REMARKS/ARGUMENTS

In the response filed on June 6, 2003, it was argued that Davies only teaches using sidewall spacers 18 before forming low resistivity regions 17.

In response, it has been argued that Davies at Col. 4, lines 38-43 teaches a "situation where sidewall spacers are not used in implanting the low resistivity regions 17." Col. 4, lines 38-43 provide:

> For example, it has been found that if a thin oxide, analogous to oxide 15 shown in FIG. 1, is used rather than a sidewall spacer 18, insufficient separation between base 12 and low resistivity region 17 is provided, and correspondingly low yields result.

It is quite clear that in the example provided by Davies a thin oxide wall (i.e. a thin sidewall) is used in preparing the device. That is, the example, contrary to the position taken in the Office Action, does not call for a "situation where sidewall spacers are not used".

Furthermore, Davies also states that if the spacing provided by the sidewall spacers is "too small, or varies widely due to the process control of forming spacer 18, low resistivity region 17 will extend into channel 26, destroying the device."

Thus, Davies quite clearly says that too thin a sidewall destroys the device. From this statement it is logical to conclude that eliminating the sidewalls, destroys the device.

It follows, as previously argued, that Davies teaches away from the invention.

In response, it has been stated that Davies teaches that eliminating the sidewall spacers only results in low yields, which, according to the Office Action, does not mean that the process taught by Davies produces an inoperative device.

As noted above, Davies does not in fact provide an example in which no sidewall is used. The example provided uses a thin sidewall.

In addition, it is quite clear from the portion cited that Davies considers the sidewalls of critical importance to practicing his process.

Moreover, low yield as used by Davies, and in the context of semiconductor processing, teaches those skilled in the art that if the sidewalls are too thin the process will fail to regularly

produce operative devices. It is respectfully suggested that "low yield" in Davies is intended to discourage those skilled in the art from omitting the sidewalls, rather than give them hope that some operative devices, however low in number, may be obtained by omitting the sidewalls. Thus, the term low yield teaches away from the invention.

Reconsideration of the application is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 8, 2003:

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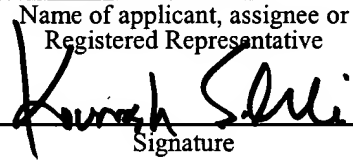
Name of applicant, assignee or Registered Representative



Signature

October 8, 2003

Date of Signature

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Respectfully submitted,

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